HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1920 OF 2005.

Kasim Mashak Shaikh. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri Anil. V. Dhavale, for applicant

Shri A.S.Gadkari, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 5, 2005

P.C. :-

1. Heard the counsel for the parties.

2. Perused the record. Having regard to the strong circumstances indicating the complicity of the applicant in the commission of the offence and the offence being of serious nature, this is not a fit case to grant bail. There is evidence regarding motive as well as last seen together. Even if, this court was to ignore the extra judicial confession made by the applicant before the police, there is ample material on record indicating complicity of the applicant. Hence I see no reason to depart from the conclusion of the trial court. Accordingly, prayer for bail rejected.

3. As prayer for bail is rejected, the trial court is directed to expedite the hearing of the trial being High Court expedited case.

4. The trial court shall decide the matter on its own merit, in accordance with the law, uninfluenced by the observations of the present order which is for limited purpose of considering the prayer for bail.

5. If the trial court is of the opinion that the applicant is causing delay or responsible for delay in the trial, that can be recorded by the trial Judge in the roznama, which will be taken into account as and when occasion arises.

6. Application disposed of accordingly.